

REMARKS/ARGUMENTS

The office action of March 2, 2009 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. Claims 1-6, 8-11, 14-22, 25 and 26 remain in this application. Claims 7, 12, 13, 23, 24, and 27-30 are canceled.

Rejection of the Claims

Claims 1-6, 8-11, 14-22, and 24 remain rejected as the specification is not enabling for the terms solvate or hydrate of formula I. In order to advance prosecution, the terms solvate and hydrate have been deleted from claim 1. Withdrawal of this rejection is requested.

Applicant does not consider that solvates and hydrates are different chemical forms of a compound of formula I. Instead, solvates and hydrates are different physical forms of the compound. Certainly a solvate or a hydrate of a compound of formula I still requires the compound of formula I, and therefore incorporates the invention defined by the now amended claims. Thus, one producing a solvate or hydrate of a compound of formula I makes use of that invention.

As the skilled practitioner recognizes, a hydrate is a molecule, for example the claimed molecule, in combination with a specific number of water molecules arranged in a particular fashion around the molecule. The solvate is a molecule, for example the claimed molecule, associated with a specific number of solvent molecules arranged in a particular fashion around the claimed molecule. Regardless of the physical form, the compound is still present.

Claims 24 and 26 stand rejected under 35 USC 112, first paragraph, as allegedly the specification is not enabling for the prevention of arthritis and osteoarthritis. Claim 24 has been amended to delete the term “prophylaxis.” Withdrawal of this rejection is requested.

Claims 1-6, 8-11, 14-22, 24, and 26 stand rejected as indefinite. As previously noted, the specification provides guidance as to what is meant by “substituted” in paragraph [0020] of the publication. However, to eliminate this rejection and advance prosecution, the term

“optionally substituted” has been defined in the claims. Support for this amendment is found in paragraph [0020]. Withdrawal of this rejection is requested.

CONCLUSION

All rejections having been addressed, applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,
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